

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**COMMODITIES FUTURE TRADING
COMMISSION,**

Plaintiff,

v.

**WALL STREET UNDERGROUND, INC,
et al.,**

Defendants.

CIVIL ACTION

No. 03-2193-CM

MEMORANDUM AND ORDER

This matter comes before the court on defendant Derek Abrahams's Emergency Motion to Modify Preliminary Injunction (Doc. 166).

Plaintiff filed the present suit on April 22, 2003. On July 18, 2003, the court entered a preliminary injunction restricting the assets of all defendants. Defendant Abrahams, however, was not served with a summons until June 11, 2004. Defendant Abrahams now seeks modification of the court's preliminary injunction in order to allow him limited access to his assets to fulfill certain financial needs and provide for his defense in this matter.

On June 24, 2004, the court contacted by phone plaintiff's counsel, Clifford C. Histed. Mr. Histed indicated that plaintiff has no objection to defendant's motion.

Having reviewed defendant's request, the court finds that defendant has provided sufficient evidence such that the court concludes that modification of its preliminary injunction order is proper.

IT IS THEREFORE ORDERED that defendant Derek Abrahams's Emergency Motion to Modify Preliminary Injunction (Doc. 166) is granted.

IT IS FURTHER ORDERED that defendant Abrahams is permitted to:

- a. complete the refinancing of debt in the manner described in his Motion;
- b. pay ordinary living expenses and to pay bills as they come due (in an amount not to exceed \$5,700 per month);
- c. complete the payment of moneys into the business beyond re-investment of revenues in an amount not to exceed \$6,000 per month; and
- d. pay \$50,000 to his lawyers' trust accounts to allow them to respond to the Complaint and begin their investigation of this matter. As Mr. Abrahams indicates that he expects to require lawyers in the several jurisdictions involved in this case, the lawyers will draw against these funds on a monthly basis as fees are incurred.

Dated this 24th day of June 2004, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge